



I

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ioav Zvi CABANTCHIK et al.

Serial No.: 09/868,083

Filed: November 19, 2001

**For: METHOD FOR MEASURING
NON-TRANSFERRIN BOUND IRON...**

Group Art Unit: 1641

Attorney
Docket: 25192
(Previously A34366
PCT USA)

Examiner: David J. VENCI

Mail Stop 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND UNDER 37 CFR 1.26

Sir:

During the course of prosecuting the above-identified application, Applicant filed a Request for Continued Examination (RCE) on December 28, 2005.

Applicant, through error and mistake, erred in calculating the fees required when filing an RCE, and authorized excess filing fee payments based on the total number of claims then pending in the application, as well as the \$395.00 RCE fee, even though no additional claims were introduced at the time of filing of the RCE's.

These authorized charges were then debited from Applicant's Deposit Account 501407. It is requested that these excess charges, made by mistake, be refunded to Applicants Deposit Account 501407.

The details of the errors are as follows:

Applicant authorized (see attachment) the RCE filing charge of \$ 395, as well as

\$ 50 for 2 additional claims over 20, \$ 100 for 1 additional independent claims over 3, and \$ 180 for 1 multiple dependent claim, even though the above claims had been previously paid for and no extra claims were introduced with the filing of the RCE. These charges were debited on December 29, 2005 from Applicants Deposit Account 501407, and are highlighted in the attached December 2005 Deposit Account Statement. The charges for the excess claims fees (Fee Codes 2201, 2202, and 2203) were not required and paid by mistake.

A refund of \$ 330 is deemed to be in order.

Applicant only became aware of the error in calculating RCE filing charges recently.

Applicant has not previously asked for a refund of these charges made in error.

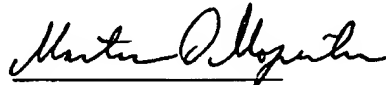
Applicant has not been refunded the excess charges requested herein.

This request for refund is being made within two years of the charge against the Deposit Account.

This request for refund is clearly one that was paid by mistake, and in excess of that required and is contemplated by 37 CFR 1.26.

Favorable consideration of this Refund request is earnestly solicited.

Respectfully submitted,



Martin Moynihan,
Registration No. 40,338

Date: November 1, 2007



REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,
provides for continued examination of an utility or plant application
filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/868,083
Filing Date	November 19, 2001
Examiner Name	David J. Venci
First Named Inventor	Ioav Zvi CABANTCHIK
Group Art Unit	1641
Attorney Docket Number	25192

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.
NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14885 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**
 - a. ☒ Previously submitted
 - i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on November 25, 2005
(Any unentered amendment(s) referred to above will be entered).
 - ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - b. ☒ Enclosed
 - i. ☐ Amendment/Reply
 - ii. ☐ Affidavit(s)/Declaration(s)
 - iii. ☐ Information Disclosure Statement (IDS)
 - iv. ☒ Other Three (3) Month Extension fee
 - v. ☐ Other
2. **Miscellaneous**
 - a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for
a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
 - b. ☐ Other _____
3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

			SMALL ENTITY RATE FEE		OTHER THAN A SMALL ENTITY RATE FEE	
Request for Continued Examination (RCE)			1	\$ 395		\$ 790
Multiple Dependent Claims			1 x \$ 180	\$ 180	x \$ 360	\$
Total Claims	22 - 20 =	2	2 x \$ 25	\$ 50	x \$ 50	\$
Independent Claims*	4 - 3 =	1	1 x \$ 100	\$ 100	x \$ 200	\$
			TOTAL	\$725	TOTAL	\$

☒ The Commissioner is hereby authorized to charge \$725.- filing fees to Deposit Account No. 50-1407. In the event additional fees are required, please charge these additional fees to Deposit Account No. 50-1407. In the event of overpayment, please credit Deposit Account No. 50-1407.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Martin D. Moynihan	Registration No. (Attorney/Agent)	40,338
Signature		Date	December 28, 2005


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Patent and
Trademark Office**


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Deposit Account Statement

Requested Statement Month: December 2005
Deposit Account Number: 501407
Name: G E EHRLICH (1995) LTD.
Attention: A J CASTORINA
Address: 2001 JEFFERSON DAVIS HIGHWAY
City: ARLINGTON
State: VA
Zip: 22202
Country: UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
12/01	182	10376506	25401(27477)	2251	\$60.00	\$16,588.00
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12/01	506	10536439	29599	2817	\$65.00	\$16,483.00
12/01	71	60740629	31058	2005	\$100.00	\$16,383.00
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12/01	4	PAYMENT		9203	-\$50,000.00	\$66,158.00
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12/23 331	10561220	30698	1484	\$130.00	\$49,807.55
12/23 330	10561220	30698	2616	\$180.00	\$49,627.55
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12/23 274	60700752	29952 (31057)	8007	\$20.00	\$48,707.55
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12/30 215	10239992	25130	2501	\$700.00	\$38,242.55
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12/30 109	11318455	30491	1202	\$300.00	\$37,377.55
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12/30 21	60754198	31269	2005	\$100.00	\$36,677.55
12/30 28	60754191	30584	2005	\$100.00	\$36,577.55
12/30 186	60671476	29245	8021	\$40.00	\$36,537.55
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12/30 232	11262760	30313	8021	\$40.00	\$35,857.55
12/30 39	60754181	28875	2005	\$100.00	\$35,757.55

START	SUM OF	SUM OF	END
BALANCE	CHARGES	REPLENISH	BALANCE
\$16,648.00	\$64,487.00	\$83,596.55	\$35,757.55

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Approved for use through 10/31/2002. OMB 0851-0001
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

PTO/SB/30 (08-00)

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).	Application Number	09/868,083
	Filing Date	November 19, 2001
	Examiner Name	David J. Venci
	First Named Inventor	Isaac Zvi CABANTCHIK
	Group Art Unit	1641
	Attorney Docket Number	25192

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01 FC:2801 395.00 DA
02 FC:2802 180.00 DA
03 FC:2202 50.00 DA
04 FC:2203 100.00 DA

			SMALL ENTITY		OTHER THAN A SMALL ENTITY	
			RATE	FEE	RATE	FEE
Request for Continued Examination (RCE)			1	\$ 395		\$ 790
Multiple Dependent Claims			1 x \$ 180	\$ 180	x \$ 360	\$
Total Claims	22 - 20 =	2	2 x \$ 25	\$ 50	x \$ 50	\$
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			TOTAL	\$725	TOTAL	\$

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Martin D. Moynihan	Registration No. (Attorney/Agent)	40,338
Signature	<i>Martin D. Moynihan</i>	Date	December 28, 2005

Adjustment Date: 12/05/2007 SDIRETAI
12/29/2005 JADD01 00000060 501407 09868083
02 FC:2203 180.00 CR
03 FC:2202 50.00 CR
04 FC:2201 100.00 CR